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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,234	08/22/2006	Leendert Van Der Tempel	NL 040202	1537

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EXAMINER

LEE, BRENITRA M

ART UNIT	PAPER NUMBER
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4176

MAIL DATE	DELIVERY MODE
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10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,234	Applicant(s) VAN DER TEMPEL, LEENDERT	
	Examiner BRENITRA M. LEE	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11 December 2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Applicant's communication filed on 22 August 2006 and the preliminary amendments concurrently filed therewith. In virtue of this communication, claims 1-12 are currently presented in the instant application.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The IDS submitted contains a US Patent number that is incorrect in reference to the inventor(s) provided for the particular document. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 6 lines 26 and 34 gives reference to conductor connections (5). However, the conductor connections (5) are not shown in Figures 2 and 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

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Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification Objections

4. The abstract is objected to because it contains (i) the word "said" in lines 2-6 and (ii) a relative term in line 5, "can be caused to emit", it should be changed to --emits--.

Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The specification of the disclosure is objected to because of the following informalities:

Page 6, line 2, "may be" should be changed to --is--.

Appropriate correction is required.

Claim Objections/Minor Informalities

7. Claim(s) 1, 3-4 and 6 are objected to because of the following informalities:

Claim 1, line 10, "can be caused to emit" should be changed to --emits--;

Claim 3, line 3, "preferably" should be deleted;

Claim 4, line 3, "preferably" should be deleted; and

Claim 6, line 2, "further" should be omitted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "close to 180°" recited in lines 3-4 renders the claim indefinite since it is not clear how far from such angle. Clarification is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 5, 6, 7, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Roach et al. (U.S. Patent 6,274,978).

With respect to claim 1, Roach et al. discloses in Fig. 2-6 and 7A-7B an elongated display fiber (100) comprising a plurality of electro luminescent pixel elements (150) [see Col. 3 lines 30-34] distributed along the length of said fiber (100),

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characterized in that it further comprises: an electrical conductor matrix consisting of intersecting row (230) [see Fig 3; Col. 4, lines 42-43] and column (224) [see Fig 3] conductors disposed along the length of said fiber (100); an electrical connection (232) between each said intersection of said row (230) and column (224) conductors and a respective one of said electro luminescent pixel elements (150) whereby each respective said electro luminescent pixel element (150) can be caused to emit light through selective application of electrical signals to a respective combination of one of said row (230) conductors and one of said column (224) conductors.

With respect to claim 2, Roach et al. discloses that the elongated display fiber (100) of claim 1, characterized in that it further comprises a respective electrical connection (140) [see Fig 3] to each of said row (230) and column (224) conductors brought to at least one end of said fiber (100).

With respect to claim 5, Roach et al. discloses that the elongated display fiber (100) of claim 2, characterized in said fiber (100) being a polymer fiber. [See col. 9, line 37].

With respect to claim 6, Roach et al. discloses in Figs. 2-3 that a display apparatus (10), characterized in that it comprises at least one elongated display fiber (100) according to claim 1 and an associated display driver means (240).

With respect to claim 7, Roach et al. discloses in Figs. 2-3 and 5, the display apparatus (10) of claim 6, characterized in that it further comprises a plurality of said fibers (100) disposed in a side by side arrangement to define a viewing surface of said display apparatus (10).

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With respect to claim 8, Roach et al. discloses in Fig. 3 that the display apparatus (10) of claim 7, characterized in that it further comprises a substrate (210) on which said plurality of fibers (100) are disposed in said side by side arrangement.

With respect to claim 9, Roach et al. discloses in Fig. 5 that the display apparatus (10) of claim 6, characterized in that it further comprises a plurality of said fibers (100) disposed as an array of essentially parallel fibers (100).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al. (U.S. Patent 6,274,978).

With respect to claim 3, Roach et al. discloses all of the claimed subject matter as expressly recited in claim 1, except that said electrical conductor matrix being made of a transparent material, indium tin oxide (ITO). However, Roach teaches that ITO is too resistive to serve as a good conductor [see Col. 9, lines 7-10]. Therefore, to employ such a ITO as a material for the matrix conductors of Roach to enhance the conductivity of the matrix conductors would have been convincingly obvious to a person skilled in the art.

13. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al. (U.S. Patent 6,274,978) in view of Kiryushev et al. (U.S. Patent 6,697,191).

With respect to claim 10, Roach et al. discloses in Fig. 2, the display apparatus (10) of claim 6 characterized in that it further comprises a plurality of said fibers (100). Roach et al. does not disclose the said fibers being disposed in a warp or weft of a fabric. Kiryushev et al. discloses in Fig. 3, said fibers being disposed in a warp or weft (52) of a fabric.

It would have been obvious of one of ordinary skill in the art to combine the display fiber of Roach et al. and dispose the display fibers in a weft of the display material of Kiryushcev et al. to form a display apparatus.

With respect to claim 12, Roach et al. in Fig. 2 discloses that the display apparatus (10) of claim 10. Roach et al. does not disclose the said fabric being a textile. Kiryushev et al. in Fig 1. discloses that the warp and weft can be of a textile structure [paragraph 3, lines 62-67].

It would have been obvious of one of ordinary skill in the art to incorporate the textile structure of Kiryushev et al. with the teachings of Roach et al. to form the display apparatus.

14. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al. (U.S. Patent 6,274,978) in view of Topelberg et al. (U.S. Patent Application Publication 2003/0006693).

Roach et al. discloses the display apparatus (10) of claim 6 characterized in that it further comprises a plurality of said fibers (100). Roach et al. does not disclose the fibers disposed as meandering fibers in a fabric. Topelberg discloses in Fig. 1 the fibers disposed as meandering fibers (12) in a fabric.

It would have been obvious of one of ordinary skill in the art to incorporate the display fibers as winding (meandering) fibers as given by Topelberg to form the display apparatus of Roach et al.

Citation of Relevant Prior Art

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guberman et al. (U.S. Patent Application Publication 2002/0074937), Singh et al. (U.S. Patent 6,228,228) and Kiryushev et al. (U.S. Patent 6,603,259).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENITRA M. LEE whose telephone number is (571)270-7552. The examiner can normally be reached on Monday-Friday (Alt. Friday off) 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thuy V. Tran can be reached on 571-272-1828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B.L.

10/27/08

/Thuy Vinh Tran/
Supervisory Patent Examiner, Art Unit 4176